GOVERNMENT OF INDIA
WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION
LOK SABHA

UNSTARRED QUESTION NO:3053
ANSWERED ON:03.08.2017
Inter-State River Water Sharing Disputes
Vellaigounder Shri Elumalai

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION be pleased to state:

(a) whether the Government is aware of rising number of inter-State river water sharing disputes in the country and if so, the details thereof;
(b) the steps taken to resolve the same so far;
(c) the details of the oldest inter-State river water sharing dispute in the country; and
(d) the mechanism put into place to solve these disputes?

Answer

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION
(DR. SANJEEV KUMAR BALYAN)
(a) to (d) On the complaint made by the State Governments, the Central Government has, so far, set up 08 tribunals to settle water disputes among the States under the Inter-State River Water Disputes (ISRWD) Act, 1956. The present status of various inter-State water disputes over the sharing of river water is at Annexure.

Government of Bihar sent a request on 27.11.2013 under provision of ISRWD Act, 1956 to this Ministry for constitution of a Tribunal for adjudication of river water disputes related to Sone basin. Negotiations were carried out by Chairman, Ganga Flood Control Commission and Chairman, Central Water Commission with the States of U.P. and Bihar. It has been agreed that the two States of U.P. and Bihar would meet periodically and try to solve the issue bilaterally. The dispute has since been settled.

State of Odisha has also filed complaint dated 19.11.2017 under Section 3 of ISRWD Act, 1956 with respect to Mahanadi basin. The Central Government constituted a Negotiation Committee comprising members from basin States and concerned Ministries of Central Government, Central Water Commission, India Metrological Department, National Institute of Hydrology for settlement of the dispute through negotiation. The Negotiation Committee held two meetings on 28.02.2017 and 22.05.2017 and submitted its report in which it mentioned that any further meetings of this Committee would not be fruitful as there had been no participation from complainant State i.e. State of Odisha in both the meetings. Accordingly, the Ministry concluded that the dispute cannot be resolved
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by negotiation and it has been decided to constitute a Tribunal for adjudication of the dispute. Draft Cabinet Note in this regard has been prepared.
The mechanism for settlement of water disputes is already available in the form of ISRWD Act, 1956. The ISRWD Act, 1956 has been last amended in 2002 whereby adjudication of the water disputes by tribunals has been made time bound after consultation with all State Governments. Further, Ministry of Water Resources, River Development & Ganga Rejuvenation adopted a revised National Water Policy (NWP) in 2012. As per Clause 12.2 of the Policy, a permanent Water Disputes Tribunal at the Centre should be established to resolve the disputes expeditiously in an equitable manner. In this regard, the Inter-State River Water Dispute (Amendment) Bill, 2017 has been introduced in Lok Sabha on 14.03.2017 to amend the existing ISRWD Act, 1956. The Bill has further been referred to the Parliamentary Standing Committee on Water Resources by the Hon"ble Speaker vide order dated 14.03.2017 for examination. In this regard, three meetings of the Standing Committee have been held on 16.06.2017, 30.06.2017 and 10.07.2017.

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ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (a) to (d) OF UNSTARRED QUESTION NO. 3053 TO BE ANSWERED ON 03.08.2017 IN LOK SABHA REGARDING "INTER-STATE RIVER WATER SHARING DISPUTES".

Status of Inter-State water disputes over the sharing of river water under Tribunals

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No Name of Tribunal States concerned Date of constitution Present Status
1 Godavari Water Disputes Tribunal Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh &Odisha April, 1969 Award given on July, 1980
2 Krishna Water Disputes Tribunal -I Maharashtra, Andhra Pradesh, Karnataka, April, 1969 Award given on May, 1976
3 Narmada Water Disputes Tribunal
Rajasthan, Madhya Pradesh, Gujarat and Maharashtra October, 1969 Award given on December, 1979

4 Ravi & Beas Water Tribunal Punjab, Haryana and Rajasthan April, 1986 Report and decision under section 5(2) given in April, 1987. Clarification/explanation sought from the Tribunal under Section 5(3) of the said Act by the party States. Presidential Reference 1 of 2004 was made on the Punjab Termination of Agreements Act, 2004. The Hon'ble Supreme Court has pronounced the judgement on Presidential Reference in negative. Further, Government of Haryana has filed IA No. 6 of 2016 in OS No. 6 of 1996 in the matter. The matter is subjudice.

5 Cauvery Water Disputes Tribunal Kerala, Karnataka, Tamil Nadu and Puduchery June, 1990 Report and decision given on 5.2.2007 which was published vide Notification dated 19.2.2013. Further, party States and Central government has sought clarification under section 5(3) of the Act. The work on report of CWDT u/s 5(3) of the Act could not be taken up as the party have also filed Civil Appeals against the order of CWDT dated 5.2.2007 before the Supreme Court. Supreme Court has passed a judgement dated 09.12.2016 on the admissibility of Civil Appeals filed by the party States and upheld the maintainability of the Civil Appeals. As such the matter is subjudice.

6 Krishna Water Disputes Tribunal -II Karnataka, Telengana, Andhra Pradesh and Maharashtra April, 2004 Report and decision given on 30.12. 2010. Further report given by the Tribunal on 29.11.2013. However, as per Supreme Court Order dated 16.9.2011, till further order, decision taken by the Tribunal on references filed by States and Central Government shall not be published in the official Gazette. As such, matter is sub-judice. Term of the Tribunal was extended for a period of two years w.e.f. 1st August, 2014 to address the terms of reference as contained in section 89 of Andhra Pradesh Reorganisation Act, 2014. Thereafter, the term of the Tribunal has been extended twice for one year each viz. for a period of one year w.e.f. 01.08.2016 and for a period of one year w.e.f. 01.08.2017. The matter is under adjudication in the Tribunal. The Government of Telengana has filed a SLP 33623-26 of 2014 and WP(C) 545 of 2015 in the Hon'ble Supreme Court in the matter. The matter is thus sub-judice.

7 Vansadhara Water Disputes Tribunal Andhra Pradesh &Odisha February, 2010

However, as per the Supreme Court order the date of reckoning of the constitution of the Tribunal is w.e.f. 17.9.2012 Report and decision not given by the Tribunal. Vansadhara Water Disputes Tribunal in its Interim Order dated 17.12.2013 has directed to constitute a 3-member Protem Supervisory Flow Management and Regulation Committee on River Vansadhara to implement its Order. State Govt. of Odisha has filed Special Leave to Appeal (Civil) No.3392 of 2014 with regard to the Vansadhara Water Disputes Tribunal Judgement dated 17.12.2013. The matter is sub-judice.

8 Mahadayi Water Disputes Tribunal Goa, Karnataka and Maharashtra November, 2010

However, vide notification dated 13.11.2014

date of reckoning of the constitution of the Tribunal is w.e.f. 21.08.2013 Report and Decision not given by the Tribunal u/s 5(2) of ISRWD Act, 1956.